



January 29, 2016

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## SENATE BILL No. 352

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DIGEST OF SB 352 (Updated January 28, 2016 4:36 pm - DI 106)

**Citations Affected:** IC 2-5; IC 3-10; IC 3-11; IC 3-13; IC 33-33.

**Synopsis:** Marion superior court. Establishes the Marion County judicial selection committee to appoint and nominate judges for the Marion superior court. Provides that judges of the Marion superior court: (1) will be initially appointed by the Marion County judicial selection committee; and (2) may be retained in office thereafter by vote of the electorate.

**Effective:** January 1, 2017.

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**Young R Michael, Waltz, Taylor,  
Merritt, Miller Patricia, Delph,  
Schneider**

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January 7, 2016, read first time and referred to Committee on Judiciary.  
January 28, 2016, amended, reported favorably — Do Pass.

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SB 352—LS 6923/DI 106





January 29, 2016

Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## SENATE BILL No. 352

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 2-5-1.2-1, AS AMENDED BY P.L.53-2014,  
2       SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JANUARY 1, 2017]: Sec. 1. (a) Except as provided in subsection (b)  
4       or otherwise in this article, this chapter applies to all committees  
5       established under this article.

6       (b) This chapter does not apply to the following:

7           (1) The legislative council (IC 2-5-1.1).

8           (2) The youth advisory council (IC 2-5-29).

9           (3) The commission on improving the status of children in  
10          Indiana (IC 2-5-36).

11          **(4) The Marion County judicial selection committee**  
12          **(IC 2-5-40).**

13       SECTION 2. IC 2-5-40 IS ADDED TO THE INDIANA CODE AS  
14       A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
15       JANUARY 1, 2017]:

16       **Chapter 40. Marion County Judicial Selection Committee**

17       **Sec. 1. As used in this chapter, "committee" refers to the**

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1 Marion County judicial selection committee established by section  
2 of this chapter.

3 Sec. 2. The Marion County judicial selection committee is  
4 established to select judges and judicial nominees for the court.

5 Sec. 3. (a) The committee consists of the following sixteen (16)  
6 members:

7 (1) Eight (8) members of the general assembly having a  
8 legislative district that includes part of Marion County,  
9 appointed as follows:

10 (A) Two (2) members appointed by the speaker of the  
11 house of representatives.

12 (B) Two (2) members appointed by the minority leader of  
13 the house of representatives.

14 (C) Two (2) members appointed by the president pro  
15 tempore of the senate.

16 (D) Two (2) members appointed by the minority leader of  
17 the senate.

18 (2) The president of the Indianapolis bar association or the  
19 president's designee.

20 (3) The president of the Marion County bar association or the  
21 president's designee.

22 (4) Three (3) members appointed by the chairperson of each  
23 major political party (as defined by IC 3-5-2-30(2)) in Marion  
24 County.

25 (b) Each member described in subsection (a)(2) through (a)(4)  
26 must reside in Marion County.

27 (c) If a member of the committee is employed by a law firm, no  
28 other person employed by the same law firm may be appointed to  
29 the committee.

30 Sec. 4. (a) The chairperson serves a two (2) year term and shall  
31 be selected by:

32 (1) the president pro tempore of the senate for the term that  
33 begins on January 1, 2017, and every four (4) years  
34 thereafter; and

35 (2) the speaker of the house of representatives, for the term  
36 that begins on January 1, 2019, and every four (4) years  
37 thereafter.

38 (b) The vice-chairperson serves a two (2) year term and shall be  
39 selected by:

40 (1) the speaker of the house of representatives for the term  
41 that begins on January 1, 2017, and every four (4) years  
42 thereafter; and



(2) the president pro tempore of the senate, for the term that begins on January 1, 2019, and every four (4) years thereafter.

(c) After selection of the chairperson and vice-chairperson, the committee shall select two (2) members of the committee who are not members of the general assembly to serve as the:

(1) reporting secretary; and

(2) at-large member of the executive committee.

(d) The chairperson, vice-chairperson, reporting secretary, and at-large member of the executive committee constitute the executive committee of the committee. Not more than two (2) members of the executive committee may be members of the same political party.

Sec. 5. (a) A member of the committee may be removed at any time by the appointing authority who appointed the member.

(b) If a vacancy exists on the committee, the appointing authority who appointed the former member whose position has become vacant shall appoint an individual to fill the vacancy.

(c) An ex officio member of the committee ceases to be a member of the committee at the time the person no longer holds the office that entitles the person to be a member of the committee.

(d) A member of the general assembly who ceases to be a member of the general assembly with a legislative district that includes part of Marion County is considered to have resigned from the committee.

(e) A member of the committee described in section 3(a)(2) through 3(a)(4) of this chapter who no longer resides in Marion County is considered to have resigned from the committee.

Sec. 6. Each member of the committee is entitled to receive the same per diem, mileage, and travel allowances paid to individuals who serve as legislative members of interim study committees established by the legislative council.

Sec. 7. (a) A quorum consists of nine (9) members of the committee.

(b) The affirmative votes of eleven (11) members of the committee are required for the committee to take official action with respect to any candidate for judicial office. However, the affirmative votes of nine (9) members of the committee are sufficient to select committee officers, approve rules and operating procedures, and decide other matters relating to the internal operation of the committee.

Sec. 8. The committee shall appoint and nominate judicial



1 candidates for the Marion superior court in accordance with  
2 IC 33-33-49-13.2.

3 Sec. 9. (a) The committee meets upon call of the chairperson.

4 (b) The committee shall meet in the statehouse, or in any other  
5 appropriate location in Marion County, as determined by the  
6 chairperson.

7 Sec. 10. The committee may adopt its own policies and operating  
8 procedures.

9 Sec. 11. No former member of the committee may be appointed  
10 or nominated as a judge of the Marion superior court if the person  
11 has served as a member of the committee within the previous two  
12 (2) years.

13 SECTION 3. IC 3-10-1-16 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 16. At a primary  
15 election a voter may vote for as many candidates for each office as  
16 there are persons to be elected to that office at the general election.  
17 ~~except as provided in IC 33-33-49-13 for candidates for judge of the~~  
18 ~~Marion superior court.~~

19 SECTION 4. IC 3-10-1-19, AS AMENDED BY P.L.77-2014,  
20 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
21 JANUARY 1, 2017]: Sec. 19. (a) The ballot for a primary election shall  
22 be printed in substantially the following form **described in this section**  
23 for all the offices for which candidates have qualified under IC 3-8.

24 (b) The following shall be printed as the heading for the ballot  
25 for a political party:

26 "OFFICIAL PRIMARY BALLOT

27 \_\_\_\_\_ Party (insert the name of the political  
28 party)".

29 (c) The following shall be printed immediately below the  
30 heading required by subsection (b):

31 (1) For paper ballots, print: To vote for a person, make a voting  
32 mark (X or ✓) on or in the box before the person's name in the  
33 proper column.

34 (2) For optical scan ballots, print: To vote for a person, darken or  
35 shade in the circle, oval, or square (or draw a line to connect the  
36 arrow) that precedes the person's name in the proper column.

37 (3) For optical scan ballots that do not contain a candidate's name,  
38 print: To vote for a person, darken or shade in the oval that  
39 precedes the number assigned to the person's name in the proper  
40 column.

41 (4) For electronic voting systems, print: To vote for a person,  
42 touch the screen (or press the button) in the location indicated.



1                    **Vote for one (1) only**  
 2                    **Representative in Congress**

3                    ☐ (1) AB \_\_\_\_\_  
 4                    ☐ (2) CD \_\_\_\_\_  
 5                    ☐ (3) EF \_\_\_\_\_  
 6                    ☐ (4) GH \_\_\_\_\_

7                    (b) **Subject to section 19.1 of this chapter**, local public questions  
 8 shall be placed on the primary election ballot after the voting  
 9 instructions described in subsection (a) and before the offices described  
 10 in subsection (e).

11                    (c) The local public questions described in subsection (b) shall be  
 12 placed:

- 13                    (1) in a separate column on the ballot if voting is by paper ballot;  
 14                    (2) after the voting instructions described in subsection (a) and  
 15                    before the offices described in subsection (e), in the form  
 16                    specified in IC 3-11-13-11 if voting is by ballot card; or  
 17                    (3) as provided by either of the following if voting is by an  
 18                    electronic voting system:

19                    (A) On a separate screen for a public question.

20                    (B) After the voting instructions described in subsection (a)  
 21                    and before the offices described in subsection (e), in the form  
 22                    specified in IC 3-11-14-3.5.

23                    (d) A public question shall be placed on the primary election ballot  
 24 in the following form:

25                    (The explanatory text for the public question,  
 26                    if required by law.)

27                    "Shall (insert public question)?"

28                    ☐ YES

29                    ☐ NO

30                    (e) The offices with candidates for nomination shall be placed on  
 31 the primary election ballot in the following order:

32                    (1) Federal and state offices:

- 33                    (A) President of the United States.  
 34                    (B) United States Senator.  
 35                    (C) Governor.  
 36                    (D) United States Representative.

37                    (2) Legislative offices:

- 38                    (A) State senator.  
 39                    (B) State representative.

40                    (3) Circuit offices and county judicial offices:

- 41                    (A) Judge of the circuit court, and unless otherwise specified  
 42                    under IC 33, with each division separate if there is more than



- 1 one (1) judge of the circuit court.
- 2 (B) Judge of the superior court, and unless otherwise specified
- 3 under IC 33, with each division separate if there is more than
- 4 one (1) judge of the superior court.
- 5 (C) Judge of the probate court.
- 6 (D) Prosecuting attorney.
- 7 (E) Circuit court clerk.
- 8 (4) County offices:
- 9 (A) County auditor.
- 10 (B) County recorder.
- 11 (C) County treasurer.
- 12 (D) County sheriff.
- 13 (E) County coroner.
- 14 (F) County surveyor.
- 15 (G) County assessor.
- 16 (H) County commissioner. This clause applies only to a county
- 17 that is not subject to IC 36-2-2.5.
- 18 (I) Single county executive. This clause applies only to a
- 19 county that is subject to IC 36-2-2.5.
- 20 (J) County council member.
- 21 (5) Township offices:
- 22 (A) Township assessor (only in a township referred to in
- 23 IC 36-6-5-1(d)).
- 24 (B) Township trustee.
- 25 (C) Township board member.
- 26 (D) Judge of the small claims court.
- 27 (E) Constable of the small claims court.
- 28 (6) City offices:
- 29 (A) Mayor.
- 30 (B) Clerk or clerk-treasurer.
- 31 (C) Judge of the city court.
- 32 (D) City-county council member or common council member.
- 33 (7) Town offices:
- 34 (A) Clerk-treasurer.
- 35 (B) Judge of the town court.
- 36 (C) Town council member.
- 37 (f) The political party offices with candidates for election shall be
- 38 placed on the primary election ballot in the following order after the
- 39 offices described in subsection (e):
- 40 (1) Precinct committeeman.
- 41 (2) State convention delegate.
- 42 (g) The local offices to be elected at the primary election shall be





placed on the primary election ballot after the offices described in subsection (f).

(h) The offices described in subsection (g) shall be placed:

(1) in a separate column on the ballot if voting is by paper ballot;

(2) after the offices described in subsection (f) in the form specified in IC 3-11-13-11 if voting is by ballot card; or

(3) either:

(A) on a separate screen for each office or public question; or

(B) after the offices described in subsection (f) in the form specified in IC 3-11-14-3.5;

if voting is by an electronic voting system.

SECTION 5. IC 3-10-1-19.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JANUARY 1, 2017]: **Sec. 19.1. (a) This section applies only to a public question concerning the retention in office of a judge of the Marion County Superior Court under IC 33-33-49 who:**

**(1) files a statement under IC 33-33-49-13.2(b); and**

**(2) in the statement claims affiliation with a political party required to hold a primary election under this chapter.**

**(b) The question of the retention of the judge at a primary election under IC 33-33-49 shall be placed only on the ballot of the political party with which the judge claims affiliation as provided in section 19 of this chapter.**

SECTION 6. IC 3-11-2-10, AS AMENDED BY P.L.219-2013, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 10. (a) Public questions shall be placed on the general election ballot in the following order after the statement described in section 7 of this chapter, and the instructions described in subsections (d) and (e) and section 8 of this chapter:**

**(1) Ratification of a state constitutional amendment.**

**(2) Local public questions.**

**Subject to section 10.1 of this chapter, each public question shall be placed in a separate column on the ballot.**

**(b) The name or title of the political party or independent ticket described in section 6 of this chapter shall be placed on the general election ballot after the public questions described in subsection (a). The device of the political party or independent ticket shall be placed immediately under the name of the political party or independent ticket. The instructions for voting a straight party ticket shall be placed to the right of the device.**

**(c) The instructions for voting a straight party ticket must conform as nearly as possible to the following: "To vote a straight (insert**



political party name) ticket for all (insert political party name) candidates on this ballot, make a voting mark on or in this circle and do not make any other marks on this ballot. If you wish to vote for a candidate seeking a nonpartisan office or on a public question, you must make another voting mark on the appropriate place on this ballot."

(d) If the ballot contains an independent ticket described in section 6 of this chapter and at least one (1) other independent candidate, the ballot must also contain a statement that reads substantially as follows: "A vote cast for an independent ticket will only be counted for the candidates for President and Vice President or governor and lieutenant governor comprising that independent ticket. This vote will NOT be counted for any OTHER independent candidate appearing on the ballot."

(e) The ballot must also contain a statement that reads substantially as follows: "A write-in vote will NOT be counted unless the vote is for a DECLARED write-in candidate. To vote for a write-in candidate, you must make a voting mark on or in the square to the left of the name you have written in or your vote will not be counted."

(f) **Subject to section 10.1 of this chapter**, the list of candidates of the political party shall be placed immediately under the instructions for voting a straight party ticket. The names of the candidates shall be placed three-fourths (3/4) of an inch apart from center to center of the name. The name of each candidate must have, immediately on its left, a square three-eighths (3/8) of an inch on each side.

(g) The circuit court clerk may authorize the printing of ballots containing a ballot variation code to ensure that the proper version of a ballot is used within a precinct.

SECTION 7. IC 3-11-2-10.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 10.1. (a) This section applies only to a public question concerning the retention in office of a judge of the Marion County Superior Court under IC 33-33-49 who satisfies either of the following:**

**(1) The judge's retention has been approved in a primary election as provided in IC 33-33-49-13.2.**

**(2) The question of the judge's retention is required to be placed on the general election ballot under IC 33-33-49-13.2(d).**

**(b) The question of the retention of the judge at the general election shall be placed on the ballot:**

**(1) immediately under the instructions for voting a straight**



1           party ticket; and

2           (2) above the candidates of the political party with which the  
3           judge has claimed affiliation.

4           (c) If a judge does not claim affiliation with a political party, the  
5           question of the judge's retention shall be placed on the ballot at the  
6           same row or column level of the ballot where the question of other  
7           judges is placed on the ballot but in a column or row where  
8           independent candidates are placed on the ballot.

9           SECTION 8. IC 3-13-6-1, AS AMENDED BY P.L.194-2013,  
10          SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11          JANUARY 1, 2017]: Sec. 1. (a) As used in this section, "judge" refers  
12          to a judge of a circuit, superior, or probate court.

13          (b) If a judge wants to resign from office, the judge must resign as  
14          provided in IC 5-8-3.5.

15          (c) A vacancy that occurs because of the death of a judge may be  
16          certified to the governor under IC 5-8-6.

17          (d) A vacancy that occurs, other than by resignation or death of a  
18          judge, shall be certified to the governor by the circuit court clerk of the  
19          county in which the judge resided.

20          (e) A vacancy in the office of judge of a circuit court shall be filled  
21          by the governor as provided by Article 5, Section 18 of the Constitution  
22          of the State of Indiana. However, the governor may not fill a vacancy  
23          that occurs because of the death of a judge until the governor receives  
24          notice of the death under IC 5-8-6.

25          (f) The person who is appointed holds the office until:

26                  (1) the end of the unexpired term; or

27                  (2) a successor is elected at the next general election for the  
28                  office, and qualified;

29          whichever occurs first.

30          (g) Except as provided in this subsection, the office of judge of the  
31          circuit court shall be elected at the next general election following the  
32          date any vacancy occurred. If a vacancy occurs in the office of judge of  
33          the circuit court after noon seventy-four (74) days before a general  
34          election, the office shall be elected at the second general election  
35          following the date any vacancy occurred.

36          (h) The person elected at the general election following an  
37          appointment to fill the vacancy, upon being qualified, holds office for  
38          the six (6) year term prescribed by Article 7, Section 7 of the  
39          Constitution of the State of Indiana and until a successor is elected and  
40          qualified.

41          (i) A vacancy in the office of judge of a superior or probate court  
42          shall be filled by the governor subject to the following:



(1) IC 33-33-2-39.

(2) IC 33-33-2-43.

(3) IC 33-33-45-38.

(4) IC 33-33-71-40.

**(5) IC 33-33-49-13.3.**

However, the governor may not fill a vacancy that occurs because of the death of a judge until the governor receives notice of the death under IC 5-8-6. The person who is appointed holds office for the remainder of the unexpired term.

SECTION 9. IC 33-33-49-6, AS AMENDED BY P.L.80-2006, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 6. (a) There is established a superior court in Marion County. The court consists of:

(1) thirty-five (35) judges beginning January 1, 2007, and ending December 31, 2008; and

(2) thirty-six (36) judges beginning January 1, 2009.

(b) To be qualified to serve as a judge of the court, a person must be, at the time a ~~declaration of candidacy or a petition of nomination under IC 3-8-6 is filed~~ **the person applies to fill an open judicial office, a vacancy, or files for retention:**

(1) a resident of Marion County; and

(2) an attorney who has been admitted to the bar of Indiana for at least five (5) years.

(c) During the term of office, a judge of the court must remain a resident of Marion County.

SECTION 10. IC 33-33-49-13 IS REPEALED [EFFECTIVE JANUARY 1, 2017]. Sec. 13. (a) Each judge of the court shall be elected for a term of six (6) years that begins January 1 after the year of the judge's election and continues through December 31 in the sixth year. The judge shall hold office for the six (6) year term or until the judge's successor is elected and qualified. A candidate for judge shall run at large for the office of judge of the court and not as a candidate for judge of a particular room or division of the court.

(b) At the primary election held in 2008 and every six (6) years thereafter, a political party may nominate not more than eight (8) candidates for judge of the court. At the primary election held in 2006 and every six (6) years thereafter, a political party may nominate not more than ten (10) candidates for judge of the court. The candidates shall be voted on at the general election. Other candidates may qualify under IC 3-8-6 to be voted on at the general election.

(c) The names of the party candidates nominated and properly certified to the Marion County election board, along with the names of



1 other candidates who have qualified; shall be placed on the ballot at the  
 2 general election in the form prescribed by IC 3-11. At the 2008 general  
 3 election and every six (6) years thereafter, persons eligible to vote at  
 4 the general election may vote for sixteen (16) candidates for judge of  
 5 the court. Beginning with the 2006 general election and every six (6)  
 6 years thereafter, persons eligible to vote at the general election may  
 7 vote for twenty (20) candidates for judge of the court.

8 (d) The candidates for judge of the court receiving the highest  
 9 number of votes shall be elected to the vacancies. The names of the  
 10 candidates elected as judges of the court shall be certified to the county  
 11 election board as provided by law.

12 SECTION 11. IC 33-33-49-13.1 IS ADDED TO THE INDIANA  
 13 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 14 [EFFECTIVE JANUARY 1, 2017]: **Sec. 13.1. (a) Except for the**  
 15 **transitional period described in subsection (h), each judge of the**  
 16 **court shall serve a term of six (6) years. The judge shall hold office**  
 17 **for the six (6) year term or until the judge's successor is appointed**  
 18 **and qualified. A judge shall be appointed at large for the office of**  
 19 **judge of the court and not as the judge of a particular room or**  
 20 **division of the court.**

21 (b) The thirty-six (36) judges of the court shall be divided into  
 22 three (3) retention classes. Each retention class consists of twelve  
 23 (12) judges.

24 (c) Retention class A consists of twelve (12) of the twenty (20)  
 25 judges:

26 (1) whose terms expire on December 31, 2018; and

27 (2) who have the most seniority as judges.

28 If two (2) or more judges have equal seniority such that the  
 29 assignment of only twelve (12) judges to retention class A cannot  
 30 be done, those judges having the highest bar number (not including  
 31 the county identifier) have the highest seniority.

32 (d) Retention class B consists of:

33 (1) four (4) of the sixteen (16) judges having the most seniority  
 34 as judges whose terms expire on December 31, 2020; and

35 (2) the eight (8) judges not assigned to retention class A whose  
 36 terms would have expired on December 31, 2018.

37 If two (2) or more judges have equal seniority such that the  
 38 assignment of only four (4) judges described in subdivision (1) to  
 39 retention class B cannot be done, those judges having the highest  
 40 bar number (not including the county identifier) have the highest  
 41 seniority.

42 (e) Retention class C consists of the twelve (12) judges:



(1) whose terms would have otherwise expired on December 31, 2020; and

(2) who are not assigned to retention class B.

(f) Except as provided in section 13.4 of this chapter, the term of a judge assigned to:

(1) retention class A begins on January 1, 2019, and every six (6) years thereafter, and continues through December 31, 2025, and every six (6) years thereafter;

(2) retention class B begins on January 1, 2021, and every six (6) years thereafter, and continues through December 31, 2027, and every six (6) years thereafter; and

(3) retention class C begins on January 1, 2023, and every six (6) years thereafter, and continues through December 31, 2029, and every six (6) years thereafter.

(g) A newly appointed judge is assigned the retention class of the judge's predecessor.

(h) Notwithstanding any other law, the term of a judge described in:

(1) subsection (d)(2) expires on December 31, 2020; and

(2) subsection (e) expires on December 31, 2022.

This subsection expires on January 1, 2023.

SECTION 12. IC 33-33-49-13.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 13.2. (a) A sitting judge of the court shall be approved or rejected by the electorate of Marion County in accordance with this section.

(b) A judge who wishes to be retained in office shall file a statement with the clerk during the period described in IC 3-8-2-4 during which a declaration of candidacy must be filed in the year in which the judge's term expires. The judge's statement must include the following information:

(1) A statement indicating that the judge wishes to have the question of the judge's retention placed on the ballot.

(2) A statement of the judge's name as:

(A) the judge wants the judge's name to appear on the ballot; and

(B) a candidate's name is permitted to appear on the ballot under IC 3-5-7.

(3) If the judge is affiliated with a political party, the name of that political party. The judge may indicate in the statement that the judge is not affiliated with a political party. For purposes of this subdivision, a judge's affiliation with a



political party is determined as provided in IC 3-8-2-7(a)(4).  
 (4) A statement that the judge requests the name on the judge's voter registration record be the same as the name the judge uses on the statement. If there is a difference between the name on the judge's statement and the name on the judge's voter registration record, the clerk shall change the name on the judge's voter registration record to be the same as the name on the judge's statement.

If a judge does not file a statement under this subsection, the clerk shall, not later than March 1, notify the Marion County judicial selection committee in writing that the judge does not wish to continue in office after the end of the judge's term of office.

(c) If a judge claims affiliation with a political party required to conduct a primary election under IC 3-10-1, the question of the judge's retention shall be placed on the primary election ballot as provided in IC 3-10-1.

(d) This subsection applies to a judge who does not claim affiliation with a political party required to conduct a primary election under IC 3-10-1. A public question regarding retention of the judge shall be placed on the general election ballot as provided in 3-11-2 and this chapter.

(e) This subsection applies to a judge:

- (1) who does not file a statement under subsection (b); and
- (2) whose term expires during the year in which the question of the retention of the judge would have been placed on the general election ballot.

The term of a judge expires December 31 of the year in which the question of the judge's retention would have been placed on the ballot.

(f) This section applies to a judge:

- (1) who files a statement under subsection (b); and
- (2) whose retention is rejected by the electorate during the primary election or general election.

The term of a judge whose retention is rejected by the electorate during the primary election or general election ends when the judge's term expires. However, if the judge has filed a petition for a recount under IC 3-12-6, the term of the judge does not end until the recount commission has issued a certificate under IC 3-12-6-22 stating that the electorate has rejected the retention of the judge.

(g) This subsection applies only to the question of the retention of a judge placed on a primary election ballot. The question of approval or rejection of a judge shall be placed on the primary



election ballot in the form prescribed by IC 3-10-1 and must state:

"Shall Judge (insert here the name of the judge as stated under subsection (b)(2)) be retained in office?".

If a majority of the ballots cast by the electors voting on the question in the primary election is "Yes", a public question on the retention of the judge shall be placed on the general election ballot as provided in subsection (h). If a majority of the ballots cast by the electors voting on the question is not "Yes", the following apply:

(1) The judge whose name appeared on the question is rejected.

(2) A public question on the retention of the judge may not be placed on the general election ballot.

(3) The clerk shall, not later than July 1, notify the Marion County judicial selection committee in writing that the judge is not eligible to have the question of the judge's retention placed on the general election ballot.

(4) The office of the judge becomes an open judicial seat on January 1 following the general election.

(5) The open judicial seat shall be filled by appointment by the committee under section 13.3 of this chapter.

(h) This subsection applies only to the question of the retention of a judge placed on a general election ballot. If the question of a judge's retention is required to be on the ballot at a general election, the question of approval or rejection of the judge shall be placed on the general election ballot in the form prescribed by IC 3-11-2 and must state:

"Shall Judge (insert here the name of the judge as stated under subsection (b)(2)) be retained in office?".

If a majority of the ballots cast by the electors voting on the question is "Yes", the judge whose name appeared on the question shall be approved for a six (6) year term beginning January 1 following the general election as provided in section 13.1 of this chapter. If a majority of the ballots cast by the electors voting on the question is not "Yes", the following apply:

(1) The judge whose name appeared on the question is rejected.

(2) The office of the rejected judge becomes an open judicial seat on January 1 following the rejection.

(3) The open judicial seat shall be filled by appointment by the committee under section 13.3 of this chapter.

SECTION 13. IC 33-33-49-13.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS





[EFFECTIVE JANUARY 1, 2017]: Sec. 13.3. (a) The following definitions apply throughout this section:

(1) "Committee" means the Marion County judicial selection committee established by IC 2-5-40-2.

(2) "Open judicial seat" means a judicial office which cannot be filled by a sitting judge because:

(A) the sitting judge:

(i) is retiring after completing the judge's term;

(ii) has lost a retention election; or

(iii) is otherwise leaving office after completing the judge's full term; or

(B) a new court has been created.

(3) "Vacancy" refers to an unfilled judicial office that is created because a judge leaves office before the judge's term has expired.

(b) When the committee learns that an open judicial seat exists or will exist in the court, the committee shall appoint a judge to fill the open judicial seat in accordance with subsection (e).

(c) When the committee learns that a vacancy exists or will exist in the court, the committee shall nominate two (2) candidates for appointment by the governor, in accordance with subsection (f).

(d) In making an appointment or nomination under this section or under section 13.4 of this chapter, the committee shall consider the following factors with respect to a candidate:

(1) Law school record, including any academic honors and achievements.

(2) Contribution to scholarly journals and publications, legislative drafting, and legal briefs.

(3) Activities in public service, including:

(A) writings and speeches concerning public or civic affairs which are on public record, including but not limited to campaign speeches or writing, letters to newspapers, and testimony before public agencies;

(B) efforts and achievements in improving the administration of justice; and

(C) other conduct relating to the individual's profession.

(4) Whether the candidate reflects the diversity and makeup of Marion County.

(5) Legal experience, including the number of years of practicing law, the kind of practice involved, and reputation as a trial lawyer or judge.

(6) Probable judicial temperament.



1 (7) Physical condition, including age, stamina, and possible  
2 substance abuse issues.

3 (8) Personality traits, including the exercise of sound  
4 judgment, ability to compromise and conciliate patience,  
5 decisiveness, and dedication.

6 (9) Membership on boards of directors, financial interest, and  
7 any other consideration that might create conflict of interest  
8 with a judicial office.

9 (10) Any other pertinent information that the committee feels  
10 is important in selecting the best qualified individuals for  
11 judicial office.

12 (e) This subsection applies only to an open judicial seat. As soon  
13 as practicable after the committee learns of an open judicial seat,  
14 the committee shall publicly announce that it is accepting  
15 applications from qualified persons wishing to fill the open judicial  
16 seat. The committee shall determine the form and content of the  
17 application, establish a timetable for the appointment of the new  
18 judge, and schedule one (1) or more hearings to interview qualified  
19 applicants and select the individual who will be appointed as judge.  
20 To the extent practicable, the committee shall endeavor to  
21 interview as many qualified applicants as possible. However, if a  
22 large number of applicants have applied for an open judicial seat,  
23 the committee may limit itself to interviewing only the most  
24 qualified applicants. The committee may conduct multiple  
25 interviews. At the conclusion of the interview process, the  
26 committee shall appoint the most qualified applicant as judge. The  
27 judge serves a term as described in section 13.1 of this chapter and  
28 may serve additional continuous terms as long as the judge is  
29 retained in office by the electorate.

30 (f) This subsection applies only to a vacancy. As soon as  
31 practicable after the committee learns of a vacancy, the committee  
32 shall publicly announce that it is accepting applications from  
33 persons wishing to fill the vacancy. The committee shall determine  
34 the form and content of the application, establish a timetable for  
35 nominations, and schedule one (1) or more hearings to interview  
36 qualified applicants and select nominees to fill the vacancy. To the  
37 extent practicable, the committee shall endeavor to interview as  
38 many qualified applicants as possible. However, if a large number  
39 of applicants have applied to fill a vacancy, the committee may  
40 limit itself to interviewing only the most qualified applicants. The  
41 committee may conduct multiple interviews. At the conclusion of  
42 the interview process, the committee shall nominate the two (2)



1 most qualified candidates and forward their names to the  
 2 governor, who shall appoint one (1) of the nominees as judge. The  
 3 judge appointed by the governor under this subsection serves only  
 4 until the term of his or her predecessor in office expires and is not  
 5 eligible to stand for retention at the end of the term. When the term  
 6 expires, the seat becomes an open judicial seat and shall be filled by  
 7 the committee in accordance with subsection (e).

8 (g) If the governor does not appoint a nominee within thirty (30)  
 9 days from the date the governor receives the names of the  
 10 nominees from the committee, the committee shall appoint one (1)  
 11 of the nominees to serve as judge. A nominee appointed under this  
 12 subsection serves only until the term of the nominee's predecessor  
 13 expires, as in the case of a nominee appointed by the governor  
 14 under subsection (f).

15 SECTION 14. IC 33-33-49-13.4 IS ADDED TO THE INDIANA  
 16 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 17 [EFFECTIVE JANUARY 1, 2017]: Sec. 13.4. (a) This subsection  
 18 applies only to a section 13 judge.

19 (b) As used in this subsection, "section 13 judge" means a judge  
 20 who:

21 (1) served as a judge of the Marion superior court on  
 22 December 31, 2016;

23 (2) has filed a statement under section 13.2 of this chapter that  
 24 the judge wishes to be retained in office; and

25 (3) has not previously been confirmed as qualified by the  
 26 committee under subsection (f).

27 (c) Before a section 13 judge may stand for retention under  
 28 section 13.2 of this chapter, the committee must confirm the judge  
 29 as qualified to stand for retention under subsection (f).

30 (d) At the time a section 13 judge files a statement under section  
 31 13.2 of this chapter that the judge wishes to be retained in office,  
 32 the judge shall:

33 (1) notify the committee that the judge wishes to be retained  
 34 in office; and

35 (2) provide the committee with a written statement describing  
 36 the judge's qualifications, with particular emphasis on the  
 37 matters described in section 13.3(d) of this chapter.

38 (e) After receiving the materials described in subsection (d), the  
 39 committee shall promptly schedule a public hearing to consider the  
 40 materials submitted by the section 13 judge and interview the  
 41 judge. Each section 13 judge is entitled to a hearing before the  
 42 committee.



- 1       **(f) The affirmative votes of at least eleven (11) members of the**  
2       **committee are required to find that a section 13 judge is qualified.**  
3       **A section 13 judge who is qualified is entitled to stand for retention.**  
4       **A section 13 judge who is not found to be qualified is not entitled**  
5       **to stand for retention, and the committee shall appoint a successor**  
6       **in accordance with section 13.3(e) of this chapter.**  
7       **(g) The committee may adopt policies and operating procedures**  
8       **to implement this section.**  
9       **(h) This section expires January 1, 2023.**



## COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 352, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 4, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 4. IC 3-10-1-19, AS AMENDED BY P.L.77-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 19. (a) The ballot for a primary election shall be printed in substantially the following form **described in this section** for all the offices for which candidates have qualified under IC 3-8.

**(b) The following shall be printed as the heading for the ballot for a political party:**

"OFFICIAL PRIMARY BALLOT

\_\_\_\_\_ Party **(insert the name of the political party)".**

**(c) The following shall be printed immediately below the heading required by subsection (b):**

**(1)** For paper ballots, print: To vote for a person, make a voting mark (X or ✓) on or in the box before the person's name in the proper column.

**(2)** For optical scan ballots, print: To vote for a person, darken or shade in the circle, oval, or square (or draw a line to connect the arrow) that precedes the person's name in the proper column.

**(3)** For optical scan ballots that do not contain a candidate's name, print: To vote for a person, darken or shade in the oval that precedes the number assigned to the person's name in the proper column.

**(4)** For electronic voting systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

**Vote for one (1) only**

**Representative in Congress**

☐ (1) AB \_\_\_\_\_

☐ (2) CD \_\_\_\_\_

☐ (3) EF \_\_\_\_\_

☐ (4) GH \_\_\_\_\_

**(b) Subject to section 19.1 of this chapter,** local public questions shall be placed on the primary election ballot after the voting instructions described in subsection (a) and before the offices described in subsection (e).

**(c)** The local public questions described in subsection (b) shall be



placed:

- (1) in a separate column on the ballot if voting is by paper ballot;
- (2) after the voting instructions described in subsection (a) and before the offices described in subsection (e), in the form specified in IC 3-11-13-11 if voting is by ballot card; or
- (3) as provided by either of the following if voting is by an electronic voting system:

- (A) On a separate screen for a public question.
- (B) After the voting instructions described in subsection (a) and before the offices described in subsection (e), in the form specified in IC 3-11-14-3.5.

(d) A public question shall be placed on the primary election ballot in the following form:

(The explanatory text for the public question,  
if required by law.)  
"Shall (insert public question)?"

- ☐ YES
- ☐ NO

(e) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

- (1) Federal and state offices:
  - (A) President of the United States.
  - (B) United States Senator.
  - (C) Governor.
  - (D) United States Representative.
- (2) Legislative offices:
  - (A) State senator.
  - (B) State representative.
- (3) Circuit offices and county judicial offices:
  - (A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.
  - (B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.
  - (C) Judge of the probate court.
  - (D) Prosecuting attorney.
  - (E) Circuit court clerk.
- (4) County offices:
  - (A) County auditor.
  - (B) County recorder.
  - (C) County treasurer.



- (D) County sheriff.
  - (E) County coroner.
  - (F) County surveyor.
  - (G) County assessor.
  - (H) County commissioner. This clause applies only to a county that is not subject to IC 36-2-2.5.
  - (I) Single county executive. This clause applies only to a county that is subject to IC 36-2-2.5.
  - (J) County council member.
  - (5) Township offices:
    - (A) Township assessor (only in a township referred to in IC 36-6-5-1(d)).
    - (B) Township trustee.
    - (C) Township board member.
    - (D) Judge of the small claims court.
    - (E) Constable of the small claims court.
  - (6) City offices:
    - (A) Mayor.
    - (B) Clerk or clerk-treasurer.
    - (C) Judge of the city court.
    - (D) City-county council member or common council member.
  - (7) Town offices:
    - (A) Clerk-treasurer.
    - (B) Judge of the town court.
    - (C) Town council member.
  - (f) The political party offices with candidates for election shall be placed on the primary election ballot in the following order after the offices described in subsection (e):
    - (1) Precinct committeeman.
    - (2) State convention delegate.
  - (g) The local offices to be elected at the primary election shall be placed on the primary election ballot after the offices described in subsection (f).
  - (h) The offices described in subsection (g) shall be placed:
    - (1) in a separate column on the ballot if voting is by paper ballot;
    - (2) after the offices described in subsection (f) in the form specified in IC 3-11-13-11 if voting is by ballot card; or
    - (3) either:
      - (A) on a separate screen for each office or public question; or
      - (B) after the offices described in subsection (f) in the form specified in IC 3-11-14-3.5;
- if voting is by an electronic voting system.



SECTION 5. IC 3-10-1-19.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 19.1. (a) This section applies only to a public question concerning the retention in office of a judge of the Marion County Superior Court under IC 33-33-49 who:**

- (1) files a statement under IC 33-33-49-13.2(b); and**
- (2) in the statement claims affiliation with a political party required to hold a primary election under this chapter.**

**(b) The question of the retention of the judge at a primary election under IC 33-33-49 shall be placed only on the ballot of the political party with which the judge claims affiliation as provided in section 19 of this chapter.**

SECTION 6. IC 3-11-2-10, AS AMENDED BY P.L.219-2013, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 10. (a)** Public questions shall be placed on the general election ballot in the following order after the statement described in section 7 of this chapter, and the instructions described in subsections (d) and (e) and section 8 of this chapter:

- (1) Ratification of a state constitutional amendment.**
- (2) Local public questions.**

**Subject to section 10.1 of this chapter,** each public question shall be placed in a separate column on the ballot.

**(b)** The name or title of the political party or independent ticket described in section 6 of this chapter shall be placed on the general election ballot after the public questions described in subsection (a). The device of the political party or independent ticket shall be placed immediately under the name of the political party or independent ticket. The instructions for voting a straight party ticket shall be placed to the right of the device.

**(c)** The instructions for voting a straight party ticket must conform as nearly as possible to the following: "To vote a straight (insert political party name) ticket for all (insert political party name) candidates on this ballot, make a voting mark on or in this circle and do not make any other marks on this ballot. If you wish to vote for a candidate seeking a nonpartisan office or on a public question, you must make another voting mark on the appropriate place on this ballot."

**(d)** If the ballot contains an independent ticket described in section 6 of this chapter and at least one (1) other independent candidate, the ballot must also contain a statement that reads substantially as follows: "A vote cast for an independent ticket will only be counted for the candidates for President and Vice President or governor and lieutenant





governor comprising that independent ticket. This vote will NOT be counted for any OTHER independent candidate appearing on the ballot."

(e) The ballot must also contain a statement that reads substantially as follows: "A write-in vote will NOT be counted unless the vote is for a DECLARED write-in candidate. To vote for a write-in candidate, you must make a voting mark on or in the square to the left of the name you have written in or your vote will not be counted."

(f) **Subject to section 10.1 of this chapter**, the list of candidates of the political party shall be placed immediately under the instructions for voting a straight party ticket. The names of the candidates shall be placed three-fourths (3/4) of an inch apart from center to center of the name. The name of each candidate must have, immediately on its left, a square three-eighths (3/8) of an inch on each side.

(g) The circuit court clerk may authorize the printing of ballots containing a ballot variation code to ensure that the proper version of a ballot is used within a precinct.

SECTION 7. IC 3-11-2-10.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 10.1. (a) This section applies only to a public question concerning the retention in office of a judge of the Marion County Superior Court under IC 33-33-49 who satisfies either of the following:**

**(1) The judge's retention has been approved in a primary election as provided in IC 33-33-49-13.2.**

**(2) The question of the judge's retention is required to be placed on the general election ballot under IC 33-33-49-13.2(d).**

**(b) The question of the retention of the judge at the general election shall be placed on the ballot:**

**(1) immediately under the instructions for voting a straight party ticket; and**

**(2) above the candidates of the political party with which the judge has claimed affiliation.**

**(c) If a judge does not claim affiliation with a political party, the question of the judge's retention shall be placed on the ballot at the same row or column level of the ballot where the question of other judges is placed on the ballot but in a column or row where independent candidates are placed on the ballot.**

SECTION 8. IC 3-13-6-1, AS AMENDED BY P.L.194-2013, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 1. (a) As used in this section, "judge" refers**



to a judge of a circuit, superior, or probate court.

(b) If a judge wants to resign from office, the judge must resign as provided in IC 5-8-3.5.

(c) A vacancy that occurs because of the death of a judge may be certified to the governor under IC 5-8-6.

(d) A vacancy that occurs, other than by resignation or death of a judge, shall be certified to the governor by the circuit court clerk of the county in which the judge resided.

(e) A vacancy in the office of judge of a circuit court shall be filled by the governor as provided by Article 5, Section 18 of the Constitution of the State of Indiana. However, the governor may not fill a vacancy that occurs because of the death of a judge until the governor receives notice of the death under IC 5-8-6.

(f) The person who is appointed holds the office until:

(1) the end of the unexpired term; or

(2) a successor is elected at the next general election for the office, and qualified;

whichever occurs first.

(g) Except as provided in this subsection, the office of judge of the circuit court shall be elected at the next general election following the date any vacancy occurred. If a vacancy occurs in the office of judge of the circuit court after noon seventy-four (74) days before a general election, the office shall be elected at the second general election following the date any vacancy occurred.

(h) The person elected at the general election following an appointment to fill the vacancy, upon being qualified, holds office for the six (6) year term prescribed by Article 7, Section 7 of the Constitution of the State of Indiana and until a successor is elected and qualified.

(i) A vacancy in the office of judge of a superior or probate court shall be filled by the governor subject to the following:

(1) IC 33-33-2-39.

(2) IC 33-33-2-43.

(3) IC 33-33-45-38.

(4) IC 33-33-71-40.

**(5) IC 33-33-49-13.3.**

However, the governor may not fill a vacancy that occurs because of the death of a judge until the governor receives notice of the death under IC 5-8-6. The person who is appointed holds office for the remainder of the unexpired term."

Page 5, line 33, delete "sixteen (16)" and insert "**twenty (20)**".

Page 5, line 42, delete "eight (8)" and insert "**four (4)**".



Page 5, line 42, delete "twenty (20)" and insert **"sixteen (16)"**.

Page 6, line 3, delete "four (4)" and insert **"eight (8)"**.

Page 6, line 6, delete "eight (8)" and insert **"four (4)"**.

Page 6, delete lines 37 through 42, begin a new paragraph and insert:

**"(b) A judge who wishes to be retained in office shall file a statement with the clerk during the period described in IC 3-8-2-4 during which a declaration of candidacy must be filed in the year in which the judge's term expires. The judge's statement must include the following information:**

**(1) A statement indicating that the judge wishes to have the question of the judge's retention placed on the ballot.**

**(2) A statement of the judge's name as:**

**(A) the judge wants the judge's name to appear on the ballot; and**

**(B) a candidate's name is permitted to appear on the ballot under IC 3-5-7.**

**(3) If the judge is affiliated with a political party, the name of that political party. The judge may indicate in the statement that the judge is not affiliated with a political party. For purposes of this subdivision, a judge's affiliation with a political party is determined as provided in IC 3-8-2-7(a)(4).**

**(4) A statement that the judge requests the name on the judge's voter registration record be the same as the name the judge uses on the statement. If there is a difference between the name on the judge's statement and the name on the judge's voter registration record, the clerk shall change the name on the judge's voter registration record to be the same as the name on the judge's statement.**

**If a judge does not file a statement under this subsection, the clerk shall, not later than March 1, notify the Marion County judicial selection committee in writing that the judge does not wish to continue in office after the end of the judge's term of office.**

**(c) If a judge claims affiliation with a political party required to conduct a primary election under IC 3-10-1, the question of the judge's retention shall be placed on the primary election ballot as provided in IC 3-10-1.**

**(d) This subsection applies to a judge who does not claim affiliation with a political party required to conduct a primary election under IC 3-10-1. A public question regarding retention of the judge shall be placed on the general election ballot as provided in 3-11-2 and this chapter.**



**(e) This subsection applies to a judge:**

- (1) who does not file a statement under subsection (b); and**
- (2) whose term expires during the year in which the question of the retention of the judge would have been placed on the general election ballot.**

**The term of a judge expires December 31 of the year in which the question of the judge's retention would have been placed on the ballot.**

**(f) This section applies to a judge:**

- (1) who files a statement under subsection (b); and**
- (2) whose retention is rejected by the electorate during the primary election or general election.**

**The term of a judge whose retention is rejected by the electorate during the primary election or general election ends when the judge's term expires. However, if the judge has filed a petition for a recount under IC 3-12-6, the term of the judge does not end until the recount commission has issued a certificate under IC 3-12-6-22 stating that the electorate has rejected the retention of the judge.**

**(g) This subsection applies only to the question of the retention of a judge placed on a primary election ballot. The question of approval or rejection of a judge shall be placed on the primary election ballot in the form prescribed by IC 3-10-1 and must state:**

**"Shall Judge (insert here the name of the judge as stated under subsection (b)(2)) be retained in office?"**

**If a majority of the ballots cast by the electors voting on the question in the primary election is "Yes", a public question on the retention of the judge shall be placed on the general election ballot as provided in subsection (h). If a majority of the ballots cast by the electors voting on the question is not "Yes", the following apply:**

- (1) The judge whose name appeared on the question is rejected.**
- (2) A public question on the retention of the judge may not be placed on the general election ballot.**
- (3) The clerk shall, not later than July 1, notify the Marion County judicial selection committee in writing that the judge is not eligible to have the question of the judge's retention placed on the general election ballot.**
- (4) The office of the judge becomes an open judicial seat on January 1 following the general election.**
- (5) The open judicial seat shall be filled by appointment by the committee under section 13.3 of this chapter.**
- (h) This subsection applies only to the question of the retention**



of a judge placed on a general election ballot. If the question of a judge's retention is required to be on the ballot at a general election, the question of approval or rejection of the judge shall be placed on the general election ballot in the form prescribed by IC 3-11-2 and must state:

"Shall Judge (insert here the name of the judge as stated under subsection (b)(2)) be retained in office?"

If a majority of the ballots cast by the electors voting on the question is "Yes", the judge whose name appeared on the question shall be approved for a six (6) year term beginning January 1 following the general election as provided in section 13.1 of this chapter. If a majority of the ballots cast by the electors voting on the question is not "Yes", the following apply:

- (1) The judge whose name appeared on the question is rejected.
- (2) The office of the rejected judge becomes an open judicial seat on January 1 following the rejection.
- (3) The open judicial seat shall be filled by appointment by the committee under section 13.3 of this chapter."

Delete page 7.

Page 8, delete lines 1 through 3.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 352 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 5, Nays 2.

